

CITY OF SAN DIEGO ETHICS COMMISSION PROPOSED CHANGES TO
THE CITY'S ELECTION CAMPAIGN CONTROL ORDINANCE

New Section	Current Section	Section Name	Notes
27.2901	27.2901	Purpose and Intent	No change.
27.2902	27.2902	Citation	No change.
27.2903	27.2903	Definitions	added definitions for at the behest; city official; extended family; general purpose recipient committee; internal communication; mass mailing; primarily formed recipient committee; shared management; and special run-off election. Incorporated state definition of contribution and added local language. Added state law exception to expenditure. Wrote out full definitions, instead of incorporating them from other areas, for candidate, city clerk, city council, committee, elective office, enforcement authority, different types of elections, voter .
27.2910	27.2904	Candidate and Committee Status; Duration	No change.
27.2915	27.2911	Duty to Have Campaign Treasurer	No change.
27.2916	27.2912	Authority of Treasurer	Reworded; no change in meaning.
27.2917	27.2921	Campaign Contribution Checking Account for Controlled Committees	Amended; now applies only to controlled committees.
27.2918		Credit Card Accounts	New section; allows controlled committees to maintain credit card accounts up to \$10,000. Requires that the candidate be personally responsible for the debt.
27.2919	27.2922	Disbursements	Reworded; no change in meaning.
27.2920	27.2923	Petty Cash Fund	Amended; now applies only to controlled committees.
27.2921	27.2924	Liquidation of Accounts	Amended; now applies only to controlled committees.
27.2922		Disposal of Surplus Campaign Funds	New section; mirrors state law with respect to the disposal of surplus funds.
27.2923		Mass Mailings	New section; mirrors state law with respect to identifying the name of the entity making the mailing.

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27.2925	27.2925	Accounting	Reworded; now requires, at subsection (b)(3), contributors to any committee other than a GPRC to make written statement regarding not being reimbursed by anyone else.
27.2930	27.2931, 27.2944	Base Level of Campaign Statements and Disclosures	New filing requirements: contributors must be listed alphabetically; dates for vendor services and payments must be disclosed; GPRCs must re-report contributions attributed to individuals; controlled committees must file a 460 on the Thursday before the election.
27.2931		Online Disclosure of Campaign Statements	New section; requires committees with over \$10,000 in financial activity to file electronically; allows other committees to voluntarily file electronically; requires paper filing to continue; imposes penalty for failure to comply. Note: no infrastructure is currently in place for electronic filing -- this is prospective only.
27.2932		Supplemental Campaign Disclosures	New filing requirements necessary for public financing program. Requires entities making internal communications and independent expenditures to notify Clerk for every \$1,000 payment, and requires opposing candidate to notify Clerk if expenditures exceed ceiling.
27.2933	27.2940	Lawful Use of Campaign Funds by a Committee	Reworded; no change in meaning.
27.2935	27.2941	Contribution Limitations	Amended: contribution limits raised to \$300 for offices of Mayor and City Attorney; clarify that individual can make contributions to primary and general election at the same time; these contribution limits do not apply to general purpose recipient committees.

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New Section	Current Section	Section Name	Notes
27.2936		Contribution Limitations for General Purpose Recipient Committees	New section, recognizing existence of general purpose recipient committees [GPRC]. These committees may use up to \$250 per year per individual to participate in City elections. No limit on how many GPRCs may use the same individual's money to participate. These contributions may be in excess of an individual's contributions per § 27.2935. Requires "double disclosure" when a GPRC allocates money on behalf of an individual.
27.2937	27.2905	Contributions for Recall Elections	Added provision allowing officeholder subject to recall to begin collecting contributions at the same time as the committee seeking the recall; clarified that contributions for recall election do not count against the contribution limits for other elections.
27.2940		Restrictions on Time Period of Contributions	New section, limiting acceptance of contributions to 9 months (council district race) or 12 months (Mayor and City Attorney) before the election, and 90 days after the election.
27.2945	27.2943	Loans	Amended to limit candidate's personal loans to \$15,000 (council district race) or \$25,000 (Mayor and City Attorney) at any one time.
27.2946		Family Contributions	New section, providing that contributions by a husband and wife are not aggregated, and providing that contributions by minors are attributed to their parents.
27.2948	27.2949	Prohibition of Anonymous Contributions	Reworded; no change in meaning.
27.2949	27.2950	Prohibition of Contributions in the Name of Another Person	No change.
27.2950	27.2947	Prohibitions and Limits on Contributions From Organizations	Amended, but keeping existing prohibition intact; also establishes that a GPRC may accept contributions from an organization, but cannot use those contributions for City candidate elections.

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New Section	Current Section	Section Name	Notes
27.2951		Prohibition on Contributions From Organization Bank Accounts	New section, prohibiting the acceptance of checks and credit cards from any non-individual bank account.
27.2952	27.2948	Obligation to Return Contributions	No change.
27.2953	27.2951	Campaign Expenditures Uncontrolled by Candidate or Committee	Reworded; no change in meaning.
27.2960	27.2945	Extensions of Vendor Credit	Amended to relieve committees with good faith disputes from having to pay disputed debt in 90 days. Specifically excludes credit card debt from prohibition.
27.2961	27.2946	Continuing Violations	Reworded; no change in meaning.
27.2962	27.2954	Suppliers of Goods and Services – Disclosure of Records Required	Reworded; no change in meaning.
27.2965		Legal Defense Fund	New section, providing a framework for individuals to contribute to a legal defense fund over and above any campaign contributions. Contributions are accepted by existing controlled committee. Legal defense contributions must be associated with an existing civil, criminal, or administrative action.
§27.2966		Establishment of a Legal Defense Fund	New section, requiring person opening legal defense fund to file with the City Clerk.
§27.2967		Disclosure of Legal Defense Fund Activity	New section, requiring those using a legal defense fund to disclose the activity of such fund in a manner distinguishable from regular contributions and expenditures.
§27.2968		Impermissible Use of Legal Defense Fund	New section, prohibiting legal defense fund dollars from being used to pay a fine, and from being transferred to another committee.
§27.2969		Termination of Legal Defense Fund	New section, requiring City Clerk to be notified when legal defense fund is no longer needed, and providing options for disposal of any remaining funds.

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New Section	Current Section	Section Name	Notes
27.2970		Declaration of Accepting or Rejecting Expenditure Ceilings	New section, relating to the Public Financing program. Provides mechanism for candidates to accept or reject the program. Two options are presently being discussed relating to the timing of the declaration.
27.2971		Voluntary Expenditure Ceilings	New section, relating to the Public Financing program. Establishes \$75,000 (Council district race) and \$200,000 (Mayor and City Attorney race) expenditure ceilings.
27.2972		Time Periods for Expenditures	New section, relating to the Public Financing program. Provides that expenditures made before the primary election are expenditures for that election, and expenditures made after the primary are expenditures for the general election.
27.2973		Expenditure Ceilings Lifted	New section, relating to the Public Financing program. Provides that ceilings are lifted when opponent has or spends 100% of ceiling, or when independent expenditures in the race exceed 75% of ceiling.
27.2974		Election Campaign Fund	New section, relating to the Public Financing program. Establishes the Election Campaign Fund.
27.2975		Appropriation of Funds	New section, relating to the Public Financing program. Provides for an appropriation of fund by the City Council.
27.2976		Eligibility for Matching Funds	New section, relating to the Public Financing program. Requires both the participating candidate and at least one opponent to be viable candidates for election. Participating candidate must raise \$10,000 (Council district race) or \$15,000 (Mayor or City Attorney race) of own funds. Similar amounts must be raised by opponent.
27.2977		Matching Contribution Threshold for City Council District Office Candidates	New section, relating to the Public Financing program. Participants can request 2 to 1 match every time they raise 3,000 (based on max of \$150 per individual contributor), up to a total of \$40,000.

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New Section	Current Section	Section Name	Notes
27.2978		Matching Contribution Threshold for Mayoral and City Attorney Candidates	New section, relating to the Public Financing program. Participants can request 2 to 1 match every time they raise 10,000 (based on max of \$250 per individual contributor), up to a total of \$100,000.
27.2979		Insufficient Public Funds	New section, relating to the Public Financing program. Establishes pro rata funding when necessary.
27.2980		Use of Public Matching Funds	New section, relating to the Public Financing program. Limits use and disposal of public monies.
27.2981		Cost of Living Adjustment	New section, relating to the Public Financing program. Provides for raising the expenditure ceiling when necessary.
27.2985	27.2961	Duties of the City Clerk	Amended to include additional duties relating to the Public Financing program.
27.2990	27.2963	Enforcement Authority — Duties, Complaints, Legal Action, Investigatory Powers	Amended to eliminate requirement that Ethic Commission have responsibility for determining whether statements have been filed.
27.2991	27.2971	Penalties	Reworded; no change in meaning.
	27.2952	Advertising Rates; Service Fees and Charges	Deleted; subject matter covered by prohibition of discounts by vendors, set forth in definition of contribution.
	27.2973	Effect of Violation on Certification of Election Results	Deleted; section not needed; no relationship between the existing law and the penalty imposed for violation; not currently being enforced.
	27.2974	Rules of Construction	Deleted; section not needed; the rules of statutory construction are covered in chapter 1, article 1, division 2 of the SDMC.